

## R E M A R K S

In the Office Action of April 14, 2008, the Examiner objected to the claims asserting that the independent claims should begin with "A" and the dependent claims should begin with "The." The Examiner has not provided any basis for this requirement, which is not supported by a review of a number of issued patents which have dependent claims beginning with "A." Applicant is not aware of any statutory or rule requirement for beginning a dependent claim with "The." In fact, the MPEP, in section 608.01(n) provides a number of examples of proper dependent claims, all beginning with "A" and not "The." Therefore, applicant submits that it is acceptable to begin the dependent claims with "A" and has not changed all of the claims as suggested by the Examiner.

Claims 7-17 were rejected under 35 USC 102(b) as being anticipated by Schroder.

The disclosure and structure of Schroder differ from the structure of the present invention as set forth in independent claims 7 and 13 in several different ways. Schroder discloses a sieve jigger in which the support for the material being separated is moved vertically up and down in a reciprocating fashion, and is not pivotally mounted so as to effect a pivotal movement of the material support. Both independent claims require a pivotal mounting arrangement and a pivotal movement of the rocker which is not taught or suggested by Schroder. Therefore, Schroder does not anticipate claims 7 and 13, or their dependent claims.

Both independent claims also define the hydraulic cylinder as having a single working pressure chamber, what is commonly referred to as a single acting hydraulic cylinder. Schroder, on the other hand, discloses the use of a double acting hydraulic cylinder in which there are two working pressure chambers, each separately and alternately supplied with hydraulic fluid to effect the movement of the piston, and therefore of the material carrier. This arrangement of Schroder therefore requires extra hydraulic lines and connections, complicating the structure as compared to the structure as defined in the present claims. For this additional reason, Schroder does not anticipate independent claims 7 and 13, or their dependent claims.

Both independent claims define a free-fall phase of operation of the sieve jigger. In free-fall, gravity acts on an object to accelerate the object. Thus, as an object is in free fall, it accelerates, and its speed increases. Schroder, on the other hand, specifically teaches to move

the material support at a fixed velocity, both upwardly and downwardly, even through the upward and downward speeds may be different. For example, FIG. 7 shows a constant velocity downward movement followed by a constant velocity upward movement in which the downward velocity is greater than the upward velocity. In FIG. 8, the upward constant velocity is greater than the downward velocity. However, in both FIGs. the velocities are constant (straight slope). In neither of FIGs. 7 or 8, nor the other FIGs. of Schroder is there a free-fall phase of operation in that Schroder is using one of the working pressure chambers to move the material carrier upwardly and the other of the working pressure chambers to controllably move the material carrier downwardly. Thus, Schroder specifically teaches away from a free-fall phase of operation by having the two working pressure chambers of a double acting cylinder. Therefore, the use of the double acting cylinder of Schroder, a structural difference as compared to the structure required by the claims, also results in a different operation of the device in Schroder than that as defined by the claims. Schroder does not teach or suggest the three phases of operation of the sieve jigger as provided for in independent claims 7 and 13. For this additional reason, applicant submits that Schroder does not anticipate, nor obviate, claims 7 and 13, or their dependent claims.

For each of the above reasons taken separately and also collectively, applicant submits that each of the claims of the application are patentably distinguishable over Schroder, and requests that the Examiner reconsider the rejections and indicate all claims as allowable.

Respectfully submitted,

/Kevin W. Guynn/ (Reg. No. 29,927)  
Kevin W. Guynn  
GREER, BURNS & CRAIN, LTD  
300 S. Wacker Drive  
Chicago, IL 60606-6771  
(312) 987-2187  
**Customer Account No. 24978**